IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 188 of 2004

Smt. Vandana Verma,
W/o Sri Kishan Lal Verma,
R/o Verma Niwas, Guru Teg Bahadur Nagar,
Tikoniya, Haldwani, District Nainital.
…… Petitioner

Versus

Lela Dharm Sattu,
Principal, District Education & Training Institute,
Bhimtal, District Nainital.
…… Respondent

Mr. B.S. Adhikari, learned counsel for the petitioner.
Mr. R.C. Arya, learned Standing Counsel for the respondent.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2) This is a Contempt Petition moved by the petitioner complaining disobedience of the Court's order dated 11.09.2003, passed in Writ Petition No. 1225 (M/S) of 2001. The operative portion of the order, disobedience of which has been complained, reads as under:

> ***"The writ petition, therefore, succeeds and is allowed. A writ of mandamus is issued directing the respondent to consider admission of the petitioner for B.T.C. provided the petitioner qualifies for admission. No order as to costs."***

3) Learned counsel for the petitioner argued that the order has not been complied with by the respondent and, as such, the petitioner has been deprived of the admission in the

B.T.C. training course. However, the counter affidavit filed on behalf of the respondent shows that the case of the petitioner was considered in compliance of the Court's direction, and, it has been stated at the end of the paragraph No. 6, that the petitioner, who belongs to O.B.C. category was much below that the last selected candidate who had obtained 145.82 marks in comparison to the 127.94 marks obtained by the petitioner. As such, in the opinion of this Court, it cannot be said that there is wilful disobedience of the Court's order on the part of the respondent, particularly, for the reason that the order dated 11.09.2003 itself shows that the petitioner was to be admitted, provided he qualifies for admission. It does not intend to compel the respondent to admit the petitioner leaving the candidates who have secured more marks than the petitioner.

4) In the circumstances, there is not wilful disobedience in complying the Court's direction, on the part of the respondent. Therefore, the contempt petition is dismissed. Notices issued against the respondent are discharged.

(Prafulla C. Pant, J.)

Dt.: 23rd March, 2006
H. Negi